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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/684,180	10/10/2003	Donald H. Williams	REEL:00191/YOD 00RE068A	2586	
75	90 05/24/2005		EXAM	EXAMINER	
Alexander Gerasimow Allen-Bradley Company			PHAN, T	PHAN, THIEM D	
Patent Dept., 70		ART UNIT	PAPER NUMBER		
1201 South Second Street Milwaukee, WI 53204			3729	3729	
			DATE MAILED: 05/24/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

				Mh			
		Application No.	Applicant(s)	1			
Office Action Summary		10/684,180	WILLIAMS ET AL.				
		Examiner	Art Unit				
		Tim Phan	3729				
Period fo	- The MAILING DATE of this communication app r Reply	ears on the cover sheet w	ith the correspondence add	dress			
THE N - Extense after S - If the If NO - Failure Any re	DRTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1.1: SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period to be to reply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailing d patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a within the statutory minimum of thin will apply and will expire SIX (6) MOI cause the application to become A	reply be timely filed ty (30) days will be considered timely NTHS from the mailing date of this co	mmunication.			
Status							
1)⊠	Responsive to communication(s) filed on 11 A	<u>oril 2005</u> .					
•		action is non-final.					
3)	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition	on of Claims						
4) ☐ Claim(s) 1-10 and 23-36 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) 1,2,4,7-10,23-25,30-32 and 34 is/are rejected.  7) ☐ Claim(s) 3,5,6,26,28,29,33,35 and 36 is/are objected to.  8) ☐ Claim(s) are subject to restriction and/or election requirement.							
Applicati	on Papers						
	The specification is objected to by the Examine						
10)	10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority u	inder 35 U.S.C. § 119						
a)[	Acknowledgment is made of a claim for foreign All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureasee the attached detailed Office action for a list	s have been received. s have been received in a rity documents have been u (PCT Rule 17.2(a)).	Application No n received in this National	Stage			
2) Notice 3) Information	t(s) te of References Cited (PTO-892) te of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 tr No(s)/Mail Date	Paper No. 5) Notice of	Summary (PTO-413) o(s)/Mail Date Informal Patent Application (PTO octionary Copy, page 414.	O-152)			

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#### **DETAILED ACTION**

1. The amendment filed on 4/11/05 has been fully considered and made of record.

#### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1, 7, 8, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Keck (US 5,519,273).

As applied to claim 1, Keck teaches a process for fitting a conduit box to an electric motor (Abstract), comprising:

- extruding or forming a portion of a conduit box (Fig. 4, 12; col.5, lines 6 ff.) to form a
  hollow extension (Fig. 4, 26 or Fig. 2, 24 & 44);
- inserting the extension (Fig. 2, 44) through a first hole (Fig. 6, 50) in a motor housing of an electric motor; and
- permanently plastically deforming the extension by deforming the crushable projections (Fig. 2, 46A-D; col. 5, lines 50 ff.) after the extension is inserted through the first hole to

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form a flange (Fig. 2, 24) thereby to prevent withdrawal of the extension through the first hole.

As applied to claim 7, the '273 teaches a motor stator (Cf. Abstract; col. 3, line 50).

As applied to claim 8, the '273 teaches a plurality of conductors (Cf. Fig. 1, 28A-C) extending through the conduit box.

As applied to claim 23, the '273 teaches a process for fitting a conduit box to an electric motor (Cf. Abstract), comprising:

- disposing or forming an extension (Cf. Fig. 4, 26 or Fig. 2, 24 & 44) from a bottom of a conduit box (Cf. Fig. 1, 16) through an opening (Cf. Fig. 6, 50) through a motor housing of an electric motor; and
- plastically deforming the extension by deforming the crushable projections (Cf. Fig. 2, 46A-D; col. 5, lines 50 ff.) to form the flange (Fig. 2, 24) in order to capture the motor housing (Cf. Fig. 6, 50) between the flange (Cf. Fig. 6, 24) and the bottom of the conduit box (Cf. Fig. 6, 16) to secure the conduit box to the motor housing.

As applied to claim 24, the '273 teaches the formation of the extension (Cf. Fig. 2, elements 24 & 44) from the conduit box (Cf. Fig. 2, 12).

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Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the

manner in which the invention was made.

5. Claims 2, 4, 9, 10, 25, 27, 30-32 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over the '273.

As applied to claims 2 and 25, Keck teaches a process for fitting a conduit box to an

electric motor which reads on applicants' claimed invention, including the driving of a punch

through a second hole in the conduit box or forcing a second hole/opening next to the flange

(Fig. 2, 24) in the conduit box through the motor housing.

As applied to claims 4 and 27, Keck teaches the insertion of the generally cylindrical

extension (Fig. 4, 26) through a hole in the motor housing; except for a generally circular motor

hole.

It is mere matter of design choice to have a generally circular motor hole and it appears

that any shape of the motor hole will work as long as it tightly shape-fits the conduit box

insertion portion (Fig. 2, 44) with the two holding flanges (Fig. 2, 16 & 24).

As applied to claim 9, the '273 teaches a process for fitting a conduit box to an electric

motor which reads on applicants' claimed invention, except for threading a first member through

the conduit box and the motor housing to prevent the stator from rotating and to prevent movement of the conduit box.

It is mere matter of design choice to thread a screw through the conduit box and the motor housing to prevent the stator from rotating, since it is well known that the stator is always well embedded to the motor housing and to prevent movement of the conduit box and it appears that the invention would perform equally well by having the conduit box being tightly engaged through the groove (Cf. Fig. 6, 48; col. 5, lines 50 ff.) by crushing force.

As applied to claim 10, the '273 teaches a process for fitting a conduit box to an electric motor which reads on applicants' claimed invention, except coining the extension against an interior surface of the motor housing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the extension coined against an interior surface of the motor housing, since it I known in the art that the crushing force of the endshield at the intermediate portions (Cf. Fig. 2, 46A-D; col. 5, lines 50 ff.) and the second base member (Cf. Fig. 5, 24) will press the extension (Cf. Fig. 6, 24 & 48) against the interior surface of the motor housing (Cf. Fig. 6, 50).

As applied to claim 30, the '273 teaches a process for fitting a conduit box to an electric motor (Cf. Abstract), comprising:

• disposing or forming an extension (Cf. Fig. 4, 26 or Fig. 2, 24 & 44) from a bottom of a conduit box (Cf. Fig. 1, 16) through an opening (Cf. Fig. 6, 50) through a motor housing

of an electric motor; and

• plastically deforming the extension by deforming the crushable projections (Cf. Fig. 2, 46A-D; col. 5, lines 50 ff.) to form the flange (Fig. 2, 24) with a smooth inner surface (Fig. 4, 26) in order to capture the motor housing (Cf. Fig. 6, 50) between the flange (Cf. Fig. 6, 24) and the bottom of the conduit box (Cf. Fig. 6, 16) to secure the conduit box to the motor housing; except for having a generally circular flange.

It is mere matter of design choice to have a generally circular flange and it appears that any shape of the flange will work as long as it tightly shape-fits the electric motor housing (Fig. 1, 10) with the external flange (Fig. 2, 16 & 24).

As applied to claim 31, the '273 teaches the formation of the extension (Fig. 2, 44) of the conduit box.

As applied to claim 32, Keck teaches a process for fitting a conduit box to an electric motor which reads on applicants' claimed invention, including the driving of a punch through a second hole in the conduit box or forcing a second hole/opening next to the flange (Fig. 2, 24) in the conduit box through the motor housing.

As applied to claim 34, Keck teaches the insertion of the generally cylindrical extension (Fig. 4, 26) through a hole in the motor housing; except for a generally circular motor hole.

It is mere matter of design choice to have a generally circular motor hole and it appears that any shape of the motor hole will work as long as it tightly shape-fits the conduit box insertion portion (Fig. 2, 44) with the two holding flanges (Fig. 2, 16 & 24).

### Objected Subject Matter

6. Claims 3, 5, 6, 26, 28, 29, 33, 35 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

## Response to Arguments

7. Applicants' arguments filed on 4/11/05 have been fully considered but they are not persuasive for the following reasons:

Applicants' citations "... Claim 1 recites, *inter alia*, "extruding a portion of a conduit box to form a hollow extension ... "forming" and "extruding" have very separate and distinct meanings ... "(Cf. Claims 1, line 3; Remarks, page 7, last paragraph – page 8, 2<sup>nd</sup> paragraph) were traversed since the Keck teaches that limitation of extruding or forming the extension. The examiner attaches a copy of the Webster's Collegiate Dictionary, Copyright 1998, page 414, to detail the meaning of that language "extruding".

In response to applicants' argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (Remarks, page 10, 103 Rejection), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based

upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

It appears that Applicants fail to recognize the scope of the claims when judged in view of Keck. (Cf. MPEP 2111 and *In re Geuns*, 26 USPO 2<sup>nd</sup> 1057 (Fed. Cir. 1993)).

#### Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Applicants' amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 571-272-4568. The examiner can normally be reached on M - F, 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tim Phan Examiner Art Unit 3729

A. DEXTER TUGBANG

tp

May 19, 2005

Attachment/ Copy of Webster's Collegiate Dictionary, Copyright 1998, page 414.



#### A GENUINE MERRIAM-WEBSTER

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1. English language—Dictionaries. I. Merriam-Webster, Inc.

PE1628.M36 1998

423-dc21

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extrovert also extravert adj — ex-tro-vert-ed also ex-tra-vert-ed

extrovert also extravert adj — ex-tro-vert-ed also ex-tra-vert-ed \( \)-vor-tod, ek-stra-'vor-\ adj \( \)

ex-trude (ik-'stria') vor-\ adj \( \)

ex-trude abil-ity \( \)-stria-\ abil-ity \( \)-stria-\ abil-ity \( \)

ex-trude abil-ity \( \)-stria-\ abil-ity \( \)-stria-\ abil-ity \( \)

ex-trusion \( \) (ik-'stria-ba) \( \) adj \( -\) ex-trude \( \)

ex-trusion \( \) (ix-'stria-ba) \( \) adj \( -\) ex-trude \( \)

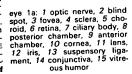
(1540) : the act or process of extruding; also : a form or product produced by this process

ex-trus-ive \( \) ik-'stria-iv-\( \) adj \( (1816) : relating to or formed by geological extrusion from the earth in a molten state or as volcanic ash logical extrusion from the earth in a molten state or as volcanic ash logical extrusion from the earth in a molten state or as volcanic ash logical extrusion from the earth in a molten state or as volcanic ash logical extrusion from the earth in a molten state or as volcanic ash logical extrusion from the earth in a molten state or as volcanic ash logical extrusion from the earth in a molten state or as volcanic ash logical extrusion from the earth in a molten state or as volcanic ash logical extrusion from the earth in a molten state or expression exuberant 2: an exuberant act or expression exuberant 2: an exuberant act or expression exuberant 4: 1: extreme of excessive in degree, size, or extent 2 a: joyously unrestrained and enthusiastic b: unrestrained or elaborate esp. in style: FLAMBOVANT \( \) archaic: bin-restrained or elaborate esp. in style: FLAMBOVANT \( \) archaic: to have something in abundance: overflow 2: to become exuberant: show exuberance (exuberated over his victory) exudeting in abundance: overflow 2: to become exuberant: show exudeting 1: exude vor-\ active \( \) (is ashon, \( \) id (is 3) \( \), \( \) (id (is 3) \( \), \( \) (id (is 3) \( \), \( \)

exuding 2: EXUDATE — ex-u-da-tive \(\text{ig-zu-da-tiv}\); \(\text{ek-stynu-da-tiv}\), \(\text{-shi-}\) \(\text{adj}\) \(\text{vb}\) \(\text{ ex-ud-ed}\); \(\text{ek-stynu-da-tiv}\), \(\text{-shi-}\) \(\text{adj}\) \(\text{vb}\) \(\text{ ex-ud-ed}\); \(\text{ek-stynu-da-tiv}\), \(\text{ek-stynu-da-tiv}\), \(\text{ek-ud-ed}\) \(\text{ig-xul-ed}\) \(\text{vb}\) \(\text{ek-stynu-da-tiv}\), \(\t

bon; eg-'zor-, ig-\ adj. ex-ur-ban-ite \ck-'sor-bə-,nīt; eg-'zər-, ig-\ n (1955); one who lives in

ex-ur-ban-ite \ex-sər-os-,nit; eg-zər-, ig-\ n (1933): one who lives in an exurb ex-ur-bia \-be-\n (1955): the generalized region of exurbs ex-ur-bia \-kin to \-kin \-k



MF niais fresh from the nest, fr. (assumed) VL nidax nesting, fr. L nidus nest — more at NEST] (15c): an unfledged bird; specif: a nesting hawk leve \( \frac{N} \) n [ME, fr. OE \( \tilde{e} \) age; akin to OHG ouga eye, L oculus, Gk \( \tilde{o} \) ps eye, sce, Skt \( aksi \) eye] (bef. 12c) 1 a: an organ of sight; esp : a nearly spherical hollow organ that is lined with a sensitive retina, is lodged in a bony orbit in the skull, is the vertebrate organ of sight, and is normally paired \( b : all the visible structures within and surrounding the orbit and including eyelids, eyelashes, and eyebrows \( c \) (1): the faculty of seeing with eyes (2): ATTENTON. NOTICE (caught his \( \tilde{o} \) (3): close observation: SCRUTINY (works under the \( \tilde{o} \) of her boss) (in the public \( \tilde{o} \) for her boss) (in the public \( \tilde{o} \) of her boss) (in the public \( \tilde{o} \) of her boss) (in the public \( \tilde{o} \) of the lawly g: vites 5 (with an \( \tilde{o} \) to the future) 2: something having an appearance suggestive of an eye: as a: the hole through the head of a needle \( b : a \) usu. circular marking (as on a potato) \( e : an area like a hole in the center of a flower esp. when differently colored or marked yonly light winds or complete calm with no precipitation f: the center of a flower esp. when differently colored or marked form between the top and bottom of a round (2): the chief muscle of a chop (3): a compact mass of muscular tissue usu. embedded in fat in a rib or loin cut of meat \( h : a device (as a photoelectric cell) that functions in a manner analogous to human vision 3: something central: CENTER (the \( \tilde{o} \) of the problem —Norman Mailer) 4: the direction from which the wind is blowing — eye-less \( \tilde{o} \) in an eye in the problem —Norman Mailer) 4: the direction from which the wind is blowing — eye-less \( \tild

leye-ball \i-,bol\ n (1590): the more or less globular capsule of the vertebrate eye formed by the sclera and cornea together with their contained structures
leyeball vr (1901): to look at intently
leyeball adj (1971): based on observation (~ judgment)
leyeball to-eyeball adv or adj (1962): FACE-TO-FACE
leyeball vr (1944): a storage place for human corneas from the newly dead for transplanting to the eyes of those blind through corneal defects

eye-bar \i-,bar\ n (ca. 1889): a metal bar having a closed loop at one

eye-bulk \1-101 \ n (0.2. 100) \ n the looped head eye-bolk \1-101 \ n (1769) : a bolt with a looped head eye-bright \1-101 \ n (1533) : any of a genus (Euphrasia) of herbs of the snapdragon family with opposite toothed or cut leaves eye-brow \1-101 \ n (15c) : the ridge over the eye or the hair growing

on it

eyebrow pencil n (1881): a cosmetic pencil for the cyebrows

eyebrow pencil n (1881): a cosmetic pencil for the cyebrows

eye-catch-er \forall\_i-ka-chor, -ke-\ n (1923): something that arrests the

eye eye-catch-ing\-ch

microscope)

eye-drop-per \fi-dra-per\ n (1937): DROPPER 2

eye-drops \-,draps\ n pl (1926): a medicated solution for the eyes ap-

eye-drops \.draps\ n pl (1926): a medicated solution for the cycs applied in drops eye-ful \forall\_ful\ n (ca. 1864) 1: a full or completely satisfying view 2: one that is visually attractive; eye: a strikingly beautiful woman eye-glass \forall\_fall n (1664) 1 a: EYEFIECE b: a lens worn to aid vision; specif: MONOCLE c pl: GLASSES.SPECTACLES 2: EYECUP 1 eye-hole \forall\_fall n (1637) 1: lorbit 7: PEEPHOLE eye-hole \forall\_fall n (1637) 1: lorbit 7: PEEPHOLE eye-hole \forall\_fall n (1637) 1: lorbit 7: PEEPHOLE eye-lash \( n \) n (1752) 1: the fininge of hair edging the eyelid — usu used in pl. 2: a single hair of the eyelashes eye lens n (1871): the lens nearest the eye in an eyepiece eye-let \forall fall n (160) is the lens nearest the eye in an eyepiece eye-let \forall fall n (160) is the lens nearest the eye in an eyepiece eye-let \forall fall n (160) is the lens nearest the eye in an eyepiece eye-let \forall fall n (160) is the lens nearest the eye in an eyepiece eye-let \forall fall n (160) is the lens nearest the eye in an eyepiece eye-let \forall fall n (160) is the lens nearest the eye in an eyepiece eye-let \forall fall n (160) is the lens nearest the eye in an eyepiece eye-let \forall fall n (160) is the lens nearest the eye in an eyepiece eye-let \forall fall n (160) is the lens nearest the eye in an eyepiece eye-let \forall fall n (160) is the lens nearest the eye line eye-line eye-line eye-line eye-line eye-line eye-line eye-lens eye-

decoration (as in embroidery)
force an eyelet: GROMMET 2: PEEPHOLE LOOPHOLE
eye-lid \(^1\)-lid\(^1\) (al) c: either of the movable folds of skin and muscle
that can be closed over the eyeball
eye-line-\(^1\)-lid\(^1\) (al): makeup used to emphasize the contour
of the eyes
ey-en\(^1\)-(a)m\(^1\) archaic pl of EYE
eye-open-re\(^1\)-(a)m\(^1\

BIBLE table

Ez-ra \'ez-ra\ n [LL. fr. Heb 'Ezra] 1: a Hebrew priest, scribe, and reformer of Judaism of the 5th century B.C. in Babylon and Jerusala 2: a narrative book of canonical Jewish and Christian Scripture BIBLE table